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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/935,213	08/22/2001	Uzi Lev-Ami	EQPN 1001-1	9729

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EXAMINER
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SUAZO, RAINIER A

ART UNIT	PAPER NUMBER
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2144

DATE MAILED: 11/15/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/935,213

Applicant(s)

LEV-AMI ET AL.

Examiner

Rainier Suazo

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2144

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 21 July 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-53 is/are pending in the application.
- 4a) Of the above claim(s) 29-53 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-28 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

1. Claims **1-28** are pending in this application.

#### ***Response to Arguments***

Applicant's arguments with respect to claims 1 and 16 have been considered but are moot in view of the new ground(s) of rejection.

Examiner clarifies, (as per page 8, paragraph 4) that the examiner explained that the references are related in the sense that both are related to computer data communication.

Regarding arguments presented in page 10-11, Applicant argues that Johnson is limited to a level 1 or 2 in the OSI model. Examiner disagree and contends that Johnson clearly present features that use upper layers of the OSI model as explained in figure 5, and from column 15, line 33 to column 16.

#### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims **1-6, 13-22 and 26-28** are rejected under 35 U.S.C. 103(a) as being unpatentable over Johnson (U.S. Patent Number **6,591,310 B1**) hereinafter 'Johnson', in view of George (U.S. Patent Number **5,657,252**) hereinafter 'George', and further in view of Walker et al. (US 6,233,613 B1) hereinafter 'Walker'.

Regarding Claim **1, 16 and 22**, Johnson taught a method and system for providing a reply descriptor for transmission over an I/O message passing medium in response to a corresponding request including: providing a listening device to monitor a wired communications channel between one or more tool hosts and one or more tools (**column 2 lines 22-38**); recording report and report trigger definitions sent by the tool hosts to the tools (**column 13 lines 63-67**); matching a first triggered report from the tools with the report and report trigger definitions (**column 6 lines 48-56, column 14 lines 16-28 and column 16 lines 41-50**) to generate a first context-insensitive report before processing a second triggered report (**column 16 lines 51-52**).

Johnson taught returning IO request in **figure 5 [109-111]**; therefore, suggesting returning a response to a request in a suitable format. However, Johnson did not expressly taught details regarding the return format.

George, in the same field of endeavor related to interfacing with subordinated devices (**column 1 lines 5-10**), taught outputting the first context-insensitive report in a field tagged format (**fig. 11, attachments 1-11 and column 6 lines 37-46**). Note that

the files examples presented by George in the attachments are considered by in a field tagged format since the fields inside the files are identifiable as being separated by special characters such as spaces, #, {, } / and “.

Walker taught a providing a **removable** listening device to monitor a wired communications channel between communication nodes without altering the electrical characteristics of the link (column 5, lines 7-27).

It would have been obvious to one of ordinary skill in the art working with Johnson at the time of the invention was made to modify the methods/systems of Johnson with the teachings of George and further with the teachings of Walker, in order to provide an output in the form of a file devices (**George: column 1 lines 5-10, fig. 11, attachment 6 and column 6 lines 37-46**) for increased flexibility in the output of the process (**Johnson: column 16 lines 51-52 and figure 5 [109-111]**) and further providing the increased flexibility of Walker removable listening devices (Walker: column 5, lines 7-27). Walker motivated the exploration of the art of monitoring a communication channel with removable devices (Walker: column 5, lines 28-44). Furthermore, Johnson motivated the exploration of the art of returning a response to a request to an I/O device in a suitable format (**column 16 lines 51-52 and figure 5 [109-111]**) and George, motivated the exploration of the art of interfacing with subordinate devices (**column 1 lines 5-10**). The combination would have resulted improved by the increased flexibility of providing the output in a tagged format (**George: column 1 lines 5-10, fig. 11,**

**attachment 6 and column 6 lines 37-46)** and removable listening device as taught by Walker devices (Walker: column 5, lines 7-27).

Johnson modified with the teachings of George and Walker is hereinafter referenced to as the first combination.

Regarding Claims **2-5 and 17-20**, the first combination, taught the use of messages compliant with SECS protocol (**George: fig. 3 and column 5 line 65 to column 6 line 6**). Additionally, the combination taught sufficient suggestions to exchange the protocols used in the implementation as required (**Johnson: column 5 lines 27-32**). Therefore, providing alternative protocols required by implementations in different environments such as HL-7 for healthcare industry is a matter of choice at the time of implementing the invention.

Regarding Claim **6 and 21**, since the first combination taught embodiments in compliance with SECS protocol (**George: fig. 3 and from column 5 line 65 to column 6 line 6**), the combination inherently disclosed the reports triggered by periods of time (see SEMI document ID # E4-0699 R1-7.2). Moreover the combination expressly taught the use of time to trigger report (**Johnson: column 11 lines 32-63**).

Regarding Claim **13- 15 and 26-28**, the first combination taught the use of an SCSI bus (**Johnson: column 2 lines 33-38**), a well defined protocol, known in the art to

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attach devices to the bus by means of a connector that pierce the wires' jacket or encasement to perform a connection to the bus. Notice that the user of different connectors depending on the bus type is a matter of choice imposed by the bus type. Moreover other connectors such as BNC T connector, vampire tap or the like are known in the art of data communication networks to satisfy the need of tapping into a cable of a bus type network, such as 10Base5, in order to connect to the network.

3. Claims **7-12 and 23-25** are rejected under 35 U.S.C. 103(a) as being unpatentable over Johnson in view of George and Walker, as applied above, and further in view of York (U.S. Patent Number **6,505,256 B1**) hereinafter 'York'.

Regarding Claim **7-12 and 23-25**, the first combination taught the invention substantially as claimed, however the first combination did not expressly taught details regarding specific types of outputted tagged files.

York taught a system for monitoring networked devices (**column 1 lines 26-48**) wherein the system outputs HTML code stings to a web-based interface (**from column 6 line 59 to column 7 line 9**), effectively depicting outputting a tagged format wherein such tagged format is HTML. In the same manner depending on the purpose of the report being outputted (e.g. to be read in a personal computer with a common spread sheet application, or to be transferred in a multiple platform environment) it may be appropriate to change the output file format to better suit the implementation needs.

It would have been obvious to one of ordinary skill in the art working with the first combination at the time the invention was made to modify the methods/systems of the combination with the teachings of York, in order to provide file format flexibility and platform impendence associated with HTML files (**York: column 1 lines 26-48 and from column 6 line 59 to column 7 line 9**). The first combination motivated the exploration of the art of monitoring data communication channel (**George: column 1 lines 6-8 and 49-61**). The first combination would have resulted improved by the increased flexibility of providing the output in a tagged format (**George: column 1 lines 5-10, fig. 11, attachment 6 and column 6 lines 37-46**) including HTML formats or the like (**York: column 1 lines 26-48 and from column 6 line 59 to column 7 line 9**).



**Conclusion**

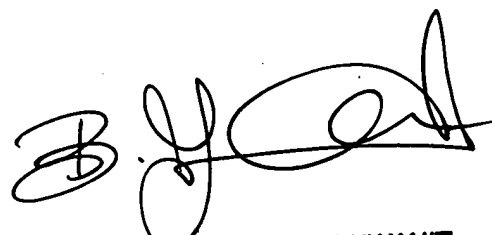
The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. See attached PTO-892 for details.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rainier Suazo whose telephone number is (571) 272-3931. The examiner can normally be reached on Monday through Friday, 8:00-4:30..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Wiley can be reached on (571) 272-3923. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Rainier Suazo, MBA  
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Art Unit 2144



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